



Signed and Filed: December 9, 2022

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HANNAH L. BLUMENSTIEL  
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:

Case No. 21-30770-HLB

Chapter 7

WESTMORE PROPERTIES, LLC,  
  
Debtor.

Date: December 6, 2022  
Time: 10:00 a.m.  
Place: Zoom Video Conference  
Judge: Hon. Hannah L. Blumenstiel

**ORDER GRANTING TRUSTEE'S MOTION TO COMPROMISE  
CONTROVERSY WITH MARILYN BLAUSTEIN AND CAROL HELZBERG**

On November 14, 2022, Timothy W. Hoffman, as chapter 7 trustee (the "Trustee") of WESTMORE PROPERTIES, LLC (the "Debtor"), filed the *Motion To Compromise Controversy With Marilyn Blaustein, Carol Helzberg, And Steve Hanson, And Memorandum Of Points And Authorities In Support Thereof* (the "Motion," docket no. 40), together with the Trustee's declaration (the "Declaration," docket no. 41) and notice of hearing in support of the Motion (docket no. 42). Attached to the Declaration as Exhibit 1 is a *Compromise and Settlement Agreement* entered into by the Trustee, Carol Helzberg, Marilyn Blaustein and Steve Hanson (the "Settlement Agreement").

On November 29, 2022, creditor Gregory Cox filed the *Opposition to Trustee's Motion to Compromise Controversy* (the "Opposition," docket no. 44). On December 1, 2022, the Trustee filed the *Reply Memorandum Of Points And Authorities In Support Of Motion To Compromise Controversy With Marilyn Blaustein, Carol Helzberg, And Steve Hanson* (the "Reply," docket no. 45), together with the Trustee's declaration in support of the Reply (docket no. 46). On December 1, 2022, parties-in-interest Carol Helzberg, Marilyn Blaustein and Steven Hanson (collectively, the "Individual Defendants"), filed the *Statement Of Carol Helzberg, Marilyn Blaustein And Steve Hanson Confirming Waiver Of Condition In*

1 *Compromise And Settlement Agreement With Chapter 7 Trustee* (the “Statement,” docket no. 47).

2 On December 6, 2022, this Court conducted a hearing of the Motion by Zoom video conference.  
3 Steven M. Olson, Esq., appeared for the Trustee; Merle C. Meyers, Esq. and Kathy Quon Bryant, Esq.  
4 appeared for the Individual Defendants; and Brian S. Healy, Esq. appeared for Mr. Cox.

5 During the course of the hearing, counsel for the Individual Defendants confirmed again that the  
6 Individual Defendants have waived the condition set forth in paragraph no. 13(b) of the Settlement  
7 Agreement.

8 Based upon the Court’s review and consideration of the Motion and all other pleadings filed in  
9 relation thereto, and all other arguments presented at the hearing, following due and adequate notice, and for  
10 good cause shown and for the reasons set forth orally by the Court during said hearing,

11 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

12 1. The Motion is hereby GRANTED as set forth herein.

13 2. The Settlement Agreement, as modified pursuant to paragraph no. 3 below, is hereby  
14 APPROVED under the provisions of Rule 9019(a) of the Federal Rules of Bankruptcy Procedure.

15 3. With the approval of all parties to the Settlement Agreement, as confirmed by signatures of  
16 the parties’ counsel below, the Settlement Agreement is hereby deemed modified in the following respects:  
17 (a) Steve Hanson is eliminated as a party to the agreement; and (b) the term “Subject Individuals” is  
18 redefined to mean, collectively, Carol Helzberg and Marilyn Blaustein, only.

19 4. The continued hearing of the Motion, scheduled for December 15, 2022 at 10:00 a.m. is  
20 hereby vacated.

21 \*\* END OF ORDER \*\*

22 Approved as to form and substance:

23 BLUESTONE FAIRCLOTH & OLSON, LLP

24 /s/ Steven M. Olson

25 Steven M. Olson, Esq.  
26 Attorneys for Timothy W. Hoffman,  
27 Chapter 7 Trustee  
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1 MEYERS LAW GROUP, P.C.

2 /s/ Merle C. Meyers

3 Merle C. Meyers, Esq.  
4 Attorneys for Carol Helzberg, Marilyn Blaustein,  
and Steve Hanson, Parties-in-Interest

5  
6 Approved as to form:

7 TIERNEY, WATSON & HEALY, PC

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9 /S/ Brian S. Healy

10 Brian S. Healy

11 Attorneys for Gregory Cox  
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